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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,484	07/23/2003	Jordan K. Weisman	55390-183	1275

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EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/626,484	Applicant(s) WEISMAN ET AL.	
	Examiner Vishu K Mendiratta	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6, 8-39 is/are rejected.
- 7) ☒ Claim(s) 4 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant is advised that should claims 1-2 be found allowable, claims 28-33 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. Claims 1-3, 5-12, 28-33 rejected under 35 U.S.C. 102(b) as being anticipated by Demar (6274410).

Claims 1, 11: Demar teaches a self contained record keeping device (Fig.1), adjustable displaying groupings of game indicia (38,39,40), and further including slot (54) for inserting tokens (coins). Indicia on credit display screen is altered by inserting coins, bills, or credit cards in their respective slots. Claim terminology "game piece", "slot", "token", "card" are interpreted as broadly and reasonable as possible. The examiner is allowed to interpret limitations as broadly and reasonably possible. A game machine for that purpose is being treated as a game piece and a casino floor is being treated as a playing surface. The newly added limitations do not go far enough to distinguish claims.

Claims 12, 28-33: Slot machines are capable of removably receiving player ID cards issued by casinos.

Claim 2: The amount of credit owed to a player changes when tokens are placed in the machine through slots.

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Claim 3: The display on the screen changes when bills or cards are inserted into the slots.

Claim 5: Demar teaches a bill slot (112) in addition to a coin slot (54).

Claim 6: The amount of credit on the display changes when tokens, bills or cards are inserted in the machine through slots.

Claim 7: Claim limitations are rules for playing and do not further limit the apparatus in the claim.

Claim 8: Demar further teaches selectively and manually changing the number of coins on the coin counter display screen (65,66,67).

Claim 9: Demar teaches grippable member (50) to play the game.

Claim 10: The mechanism connected to the lever (50) is being interpreted as a member rotatably coupled.

3. Claims 21-37 rejected under 35 U.S.C. 102(b) as being anticipated by Green (618967).

Green teaches game pieces (Fig.7) with slots (210) for receiving value altering tokens (206) (Fig.9), placing game pieces on playing surface (Fig.1) and playing an interactive game (1:38-45) according to rules of the engagement.

4. Claims 34-39 rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto (4083564).

Matsumoto teaches placing game pieces with record keeping device (32), performance altering indicator (52) on a playing surface (Fig.1) further teaching interactive engagement (3:32-67) according to rules of engagement.

Claim Rejections - 35 USC § 103

5. Claims 13-16,18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Demar in view of Fulton (5242163).

Claim 13: Demar teaches all limitations except that it does not teach one or more members interacting with each other.

Fulton teaches interaction between game machines while playing a bongo game (Fig.1). In this day and age interaction games are commonly known and one of ordinary skill in art at the time the invention was made would have suggested playing interaction games using multiple machines (10).

Claims 14-16,18-20: The amount of credit on the display changes when tokens, bills or cards are inserted in the machine through slots.

Demar teaches a bill slot (112) in addition to a coin slot (54).

Demar further teaches selectively and manually changing the number of coins on the coin counter display screen (65,66,67).

Claim limitations are rules for playing and do not further limit the apparatus in the claim.

Allowable Subject Matter

6. Claims 4 and 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 10/26/04 have been fully considered but they are not persuasive. ***.

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With respect to objection due to duplicate claims examiner takes the position that claims 1-2 are substantially duplicate to claims 28-33. It is important to note that claims in question are apparatus claims and any intended use limitation such as *"indicia indicating information related to a different aspect of play of the game and are expressed as game play value"* do not further limit the apparatus in the claims. The examiner considers such terminology as narrative with no structural limitation that would further limit the claim.

With respect to prior art rejection applicant argues that DeMar does not teach a self-contained record keeping device. Arguments are not persuasive. For example when a player inserts coins in the slot machine, the machine keeps the record of how many coins are owed to the player. The machine further maintains a tally of coins accumulated due to winnings by the player. In this regard the machine is a self-contained record keeping device.

Further the applicant argues that the Demar device is not a game piece and it does not use a game playing surface. Arguments are again not persuasive. The examiner is allowed to interpret limitations as broadly and reasonably possible. A game machine for that purpose is being treated as a game piece and a casino floor is being treated as a playing surface.

Applicant further argues that DeMar does not teach groupings of indicia arranged in selectable groupings. Arguments are not persuasive. It is well known in the art of slot machines that each reel carries a group of selectable indicia arranged on it.

Applicant's claim language is too broad and barely reads on the specification. The claim language is broad enough to read on a slot machine. The examiner is allowed to interpret claims as broadly and as reasonably possible. The newly added limitations do not go far enough to distinguish claims.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vishu K Mendiratta
Primary Examiner
Art Unit 3711

VKM
December 15, 2004